

**REMARKS BY MARY RASAR**  
**BEFORE**  
**THE SUBCOMMITTEE ON HEALTH**  
**THE HOUSE COMMITTEE ON ENERGY AND COMMERCE**  
**“Current Issues Related to Medical Liability Reform”**

**Thursday, February 10, 2005 at 1:00 PM**  
**2322 Rayburn House Office Building**

Chairman Deal, Ranking Member Brown, distinguished members of the House Energy and Commerce Subcommittee on Health:

It's an honor for me to be here, though given the experience my family and I have had to endure I would certainly give up this honor – particularly if giving it up could bring back my father... my children's grandfather... Jim Lawson, a man known to his friends as Fisty.

However, if by sharing my Dad's story, I can save even one family from the tragedy we have had to needlessly endure, then I am not only honored to be here, Mr. Chairman, but I am grateful for this opportunity.

On July 4, 2002, my father was returning a rental car to McCarran International Airport in Las Vegas, Nevada, when he was hit by a young man driving a large truck. His injuries, though serious, were not immediately life-threatening, but he had to be stabilized with the kind of equipment that is only found in a Level One trauma center.

Fortunately, a Level One center with the exact equipment that was needed to save his life was only five minutes away. Unfortunately, it was closed. Only days before, the orthopedic surgeons who worked at that center had lost their medical liability insurance coverage. A very large insurance company, that had covered over 40,000 physicians across the United States, had stopped writing medical liability policies only the month before.

Rather than sending my father to the hospital with the best possible trauma care, the paramedics did the best they could and rushed him to a community hospital, where they attempted to stabilize him for air transport to the next closest Level One center hours away in Salt Lake City, Utah. Unfortunately, the transfer was too late, and without the proper equipment, my father died in the process.

Mr. Chairman, the continued increase in medical malpractice insurance premiums, caused by frivolous lawsuits and out-of-control jury awards has a consequence in the lives of real people. No one is denying the victims of malpractice their day in court – or even looking to deny them unlimited economic damages for mistakes made by doctors. But because of frivolous lawsuits and out-of-control jury awards my father – my children's grandfather – did not stand a chance. He was taken from us. And our family will be forever affected because of this crisis.

In the months that have passed, I have taken the opportunity to learn more about this growing crisis – doctors are being forced from their practices due to rising and outrageous medical liability insurance. I have learned that the problem is not unique to Nevada. It is growing and is finding victims like our family, all across America. It is real for the expectant mothers in Maryland, West Virginia, Mississippi, and Pennsylvania who can't find an ob/gyn. It is real for

parents of children in Florida who can't find pediatric neurosurgeons. And, it is very real for the elderly in Arizona who depend on their orthopedic surgeons and are told that those trusted doctors are moving to states where practicing medicine is affordable and less risky.

The fact is, Mr. Chairman, my father did not have to die. After speaking with numerous specialists I am convinced that he would be living today had the trauma center been open. So in our family, as we consider the terrible tragedy of losing someone we loved so dearly, it is clearly understood that he died not because of a car accident, but because of the crisis within our nation's health care delivery system.

And as true as this is, there is an equal truth, Mr. Chairman: you and your colleagues can fix this problem. You can do something about it. To make sensible reforms denies no one of his or her rights. But sensible reforms will save lives. Please, Mr. Chairman, please pass necessary medical liability reform. It really is a matter of life and death. Thank you.